

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL SCHILLER, et al.,

Plaintiff,

DECLARATION OF  
DAVID COHEN

-against-

THE CITY OF NEW YORK, et. al,

Defendants.

04-Civ-7922 (RJS)(JCF)

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CONSOLIDATED RNC CASES

(RJS)(JCF)

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DAVID COHEN, declares under penalty of perjury and pursuant to 28 USC § 1746, that  
on the basis of personal knowledge the following statements are true and correct:

1. I submit this declaration in support of Defendants' motion for summary judgment regarding two policies utilized by the New York City Police Department (the "NYPD" or the "Department") during the time period of the 2004 Republican National Convention (the "RNC" or the "Convention") in New York City (the "City"): (a) the policy of not issuing summonses to individuals engaged in criminal conduct that was related to the RNC in favor of custodial arrest (where they would either receive a desk appearance tickets if qualified or be arraigned) (the "No-Summons Policy"); and (b) the related policy of fingerprinting all RNC arrestees as part of their arrest processing (the "Fingerprinting Policy") (collectively the "Policies"). In addition to the testimony set forth herein, I attach two exhibits and refer to a third in order to help explain the threat environment the City faced during the RNC.

2. I have a long career as an intelligence officer and have worked in this field for the past forty-five ("45") years. I served for thirty-five ("35") years with the United States Central Intelligence Agency (the "CIA") holding positions in both its analysis and operational arms. I served as Associate Deputy Director of the CIA's Directorate of Intelligence from 1991-95, where I provided daily leadership for the CIA's analysis program, including the substantive review of all CIA political, economic and military assessments prepared for the President of the United States and his senior national security advisors. I then served as the Director of the Directorate of Operations from 1995-97, where I was the senior-most person responsible for world-wide collection of raw, unevaluated intelligence. In both positions I participated in or was a full member of the CIA's Executive Committee which is responsible for developing and implementing policies affecting all aspects of intelligence at the CIA.

3. I am currently Deputy Commissioner of the NYPD Intelligence Division (the "Intelligence Division") and have served the Department and the City of New York in that capacity since February 2002. In that capacity, I have overall responsibility for the leadership and operation of the NYPD Intelligence Division. Collateral to these responsibilities I am responsible for developing and sustaining liaison relationships on behalf of the Department with other law enforcement and intelligence agencies locally, regionally, nationally, and internationally.

4. The Intelligence Division is the unit within the NYPD responsible for gathering and analyzing information to assist in the detection, investigation and prevention of unlawful activity. The Intelligence Division is also responsible for advising Police Commissioner Raymond Kelly and other high-ranking members of the NYPD such as Chief of Department Joseph Esposito on threats to the public security and safety of the City from both

inside and outside the City. The analysis and information provided generally encompasses the nature of a threat, what form it takes and how it might materialize.

5. When it was announced in February 2003 that New York City would host the RNC, the NYPD immediately began developing plans to provide a safe and secure environment for (i) the participants in the Convention process including the President and Vice President of the United States, (ii) the hundreds of thousands of people expected to come to the City to engage in protest activity, (iii) summer tourists, and (iv) City residents and businesses. In addition to the usual policing responsibilities posed by a large-scale political event, the City's status as a prime target for international terrorism compounded the challenge of maintaining public safety.<sup>1</sup> In July of 2003, the Department of Homeland Security classified the RNC as a National Special Security Event.

6. The role of the Intelligence Division was to collect information in order to identify and assess any threat to safety and security presented by individuals or groups who viewed the RNC and the City as a target for terrorist acts, other acts of violence or civil disorder. In that capacity, the Intelligence Division also collected information to learn about the extent and nature of expected demonstration activity.

7. Given the nature of the event, the RNC quickly became a focal point for voicing opposition to the policies of the Bush administration. Groups and individuals from across the country availed themselves of the communication potential of the internet for organizing protest. Some declared an intent to engage in unlawful conduct ranging from civil

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<sup>1</sup> There were terrorist bombings in Casablanca, Morocco, Jakarta, and Istanbul in 2003. There were subway and rail attacks in Moscow and Madrid in 2004. As a result of the capture of an Al-Qaeda operative in 2004 we learned about detailed surveillance of New York City's targets. A terrorist plot to bomb the Herald Square subway station, one block from Madison Square Garden, was brought to light in 2004.

disobedience at one end of the spectrum, to destruction of property and physical violence at the other. This was of real concern to the NYPD because of the history of protest in major cities. For example, the events in Seattle in 1999 during the meeting of the World Trade Organization, demonstrated that the police could be easily overwhelmed in the absence of adequate preparation.<sup>2</sup>

8. In connection with planning for the safety and security of the RNC, the Intelligence Division obtained information about potential unlawful activity by monitoring publicly available websites and press reports ("Open-Sources") as well as by other lawful investigative means available to it.

9. Throughout the preparation process, I was kept fully informed of the information being developed by my staff. It was my duty to analyze that information and to brief the high-ranking members of the Department who were responsible for planning and coordinating the NYPD's overall efforts to provide security and ensure the public safety of the City during the Convention (the "RNC Executive Committee"). The RNC Executive Committee consisted of Police Commissioner Kelly, Chief of Department Joseph Esposito and various other NYPD executives. Generally, these briefings concerned the nature and scope of expected demonstration activity and the threats to the security of the City during the RNC.

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<sup>2</sup> Extremist elements in protest organizations had caused injury, property damage and civil disruption in Quebec and Genoa in 2001, and in Cancun, San Francisco and Miami in 2003.

### **The End-User Reports**

10. From October of 2003 through June 2004 my staff prepared reports, usually weekly. As the Convention approached, during July and August of 2004, reports were prepared with greater frequency. During the week of the RNC, they increased to twice daily. I will refer to these reports collectively as the "End-User Reports". The vast majority of information contained in the End-User Reports was drawn from Open-Sources.

11. True and correct copies of the **End-User Reports** bearing Bates Nos. 102515 - 103117 were attached to the September 29, 2008 Declaration of Senior Counsel Tonya Jenerette, who is an attorney of record for Defendants in this litigation. Ms. Jenerette's Declaration was submitted to this Court in this litigation. The End-User Reports are incorporated by reference in this declaration.

12. My staff discussed the information contained in the End-User Reports with me as they were being developed, and I considered it as part of the body of information I analyzed on a continuing basis.

13. I met with the RNC Executive Committee regularly and with increasing frequency as the RNC approached. I also provided the RNC Executive Committee with the information contained in the End-User Reports, which were made available to committee members.

### **The Tripartite Threat Assessment**

14. Based on the culmination of all of the information gathered and the End-User Reports, I concluded that the City faced serious threats of violence and disorder similar to what had occurred in Seattle, Quebec, Genoa, Cancun, San Francisco and Miami. These threats were compounded by the heightened status of the City as a target of terrorism during the RNC.

Specifically, I concluded that during the RNC, the City faced a tripartite threat of: (1) international terrorism; (2) anarchist violence; and (3) wide-spread civil disobedience. I conveyed this multi-faceted threat assessment to the RNC Executive Committee.

15. The End-User Reports fairly reflect the information on which my threat assessments were based, as well as the substance of the information I provided to the RNC Executive Committee in my regular briefings.

#### **The PowerPoint Presentation To Ranking Members of the NYPD**

16. In or about August 2004, prior to the start of the RNC, I provided an intelligence briefing regarding the RNC to the leadership of the NYPD that included an oral briefing and PowerPoint slides explaining the tripartite threat facing the City during the RNC.

17. I also prepared talking points to highlight key facets of my presentation concerning the tripartite threat facing the City during the RNC ("Talking Points").

18. The presentation was given in the auditorium at One Police Plaza and officers holding the rank of Captain and above were invited. Several hundred members of the NYPD attended this presentation, including Commissioner Kelly and Chief Esposito.

19. During the presentation, the PowerPoint slides were shown to the audience and the Talking Points summarized my accompanying oral presentation. The content of my presentation is embodied in both the **Talking Points** and the **PowerPoint slides**. True and correct copies of the Talking Points and the PowerPoint slides are attached as **Exhibits A and B** respectively and are incorporated by reference in this declaration.

#### **The 2007 RNC Intelligence Appendix**

20. In 2007, after the litigation of the Consolidated RNC Cases was underway, I created a twenty-six ("26") page document titled "The Republican National Convention" to

reiterate and summarize what the Intelligence Division was seeing in terms of the threat environment facing the City during the RNC. This 26-page document was appended to a declaration dated June 6, 2007 that I submitted previously in this litigation as part of the law enforcement privilege briefing (the “RNC Intelligence Appendix”). A true and correct copy of the RNC Intelligence Appendix is attached as Exhibit C and is incorporated by reference in this declaration.


21. After completing this document it was clear to me that its true utility was that it succinctly captured the extent and nature of the tripartite threat environment facing the citizens of New York, visitors to the City, the delegates coming to the Convention, and the hundreds of thousands of individuals coming to the RNC to engage in demonstration activity.

22. The content of the RNC Intelligence Appendix is derived from my personal knowledge of the terrorist environment, my personal knowledge and research regarding events in other locations akin to the RNC (i.e. Seattle in 1999, Davos in 2000, Quebec City in 2001, Genoa in 2001, and Miami in 2003), Open-Source information and the End User Reports.

23. I believe the RNC Intelligence Appendix articulates the multifaceted threat, the nature of that threat including the targets, tactics, weaponry, and the training that activists and anarchists were undertaking with enough specificity to render an understanding of the environment that was presented to the NYPD decision makers tasked with planning for policing the RNC and establishing policies to ensure the security and safety of the City at that time.

24. The information in the RNC Intelligence Appendix was both available to the Intelligence Division at the time it was gathering and analyzing information in preparation for the RNC and it was that threat environment that was communicated to Commissioner Kelly,

Chief Esposito and the NYPD executives who made policy decisions regarding the policing of the RNC.

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DAVID COHEN

Dated: New York, New York  
October 4, 2011



# **EXHIBIT A**

## RNC AND TERROR THREAT

Good morning... This will be about the RNC protest picture and where we stand on the terrorist threat.

Regarding RNC protest activity, I want to make three points.

First, this is a snapshot based on what we know from REDACTED

REDACTED

Law Enforcement Privilege

Second, because the anarchist/activist groups are only loose associations of people, much of what they do will reflect last minute decision-making driven in large part by what we do and by targets of opportunity.

REDACTED

Law Enforcement Privilege

Regarding targets, Madison Square Garden remains the prize.

The hardcore will be looking for weak spots or "seams" in NYPD coverage.

Inside the Garden there will be two lines of attack—first, penetration from underground via the transit/subway system and second, infiltration from above.

As for the first, every affinity, activist and anarchist group —over 300 of them—have been advised over the internet to use the New Jersey Transit, Amtrak or City subway system to flood the convention site with members.

--The volatile and frequently violent ALF, ELF and REDACTED will primarily come in from Long Island where they have a substantial presence.

--We don't know how much traction this appeal has gained; those aggressive enough to try it will be aggressive enough to use smoke bombs and other devices to distract us.

--They've done it before and have talked about it for this.

The second route into the Garden, infiltration from above, has already been set in motion by some.



COHEN

REDACTED  
Law Enforcement Privilege

--Phony press credentials are also being put together...they were tried at the G-8 in Georgia; the same people are trying it again here.

--One group-- the so-called Suit Bloc--proposes to penetrate the inside frozen zone by on-cue breaking out of normal Penn Station commuter traffic.

Outside the Garden, most activist planning focuses on disrupting civilian and convention-related activity as close to the frozen zone as they can get.

REDACTED  
Law Enforcement Privilege

--Helping them is another organization called CRYPTOME which sent out detailed photo's of the bridge on the internet; the photo's were taken on 29 July.

--The War Resisters Group and the Direct Action Network are planning a series of sit-ins on Tuesday and Thursday as close to the Garden as they can get.

REDACTED  
Law Enforcement Privilege

After the convention site itself, the most important activist targets are the Manhattan hotel where Congressional and State delegates and other VIP's are staying.

The stated goal is straight forward...prevent or delay delegates from getting to the convention as well as other planned events.

--Almost every activist organization has discussed the hotels as targets

REDACTED  
Law Enforcement Privilege

--The activists have almost perfect intelligence on which delegation is staying at which hotels, where the hotels are located and how to get to them.

REDACTED  
Law Enforcement Privilege

Even hotels with lower profile delegations are at risk... REDACTED

REDACTED

REDACTED

we have information that animal rights activists will go after the Alaska delegation.

Delegate transportation—busses and motorcades—and routes are also being targeted.

--Regarding tactics, RNC Not Welcome message board user has advised activists that a Kill Switch located on the outside rear of charter busses will shut the engine down.

--Swarming busses with bikers or people is on the menu; earlier this year west coast busses were swarmed, once stopped, protestors crawled underneath and driver windows blacked out.

Anti-convention activists have been open and vocal about their intention to prevent delegate access to the planned night out at the theater on Sunday 29 August.

To accomplish this they intend to use bikers, belligerence and people blockades...this will occur early in the convention process and is considered by some of them as a litmus test of their strength.

There are over 880 planned events tied to the convention; they range from dinners in someone's apartment to a huge media event at the new Time Warner Building at Columbus Circle.

--We have identified about 50 of these events as likely to be targets of protest; violence at these locations is not being directly talked about, but some, like the Texas Republican Party event at the New York Stock Exchange will attract a particularly belligerent group of protestors. Be prepared for a confrontation there.

Hardcore anarchists are not limiting themselves to Manhattan...they see the outer burroughs not only as fair game, but essential game because they want to drain NYPD resources and weaken our ability to control conditions where it matters most to them.

REDACTED

Law Enforcement Privilege

--Earlier this year we heard a lot about using taxi's to fowl-up traffic... we have not heard this mentioned in recent months.

--Regarding their outer burrough strength we need to remember the following... first, earlier this year a group of Critical Mass activists got into a shoving match with arresting members of the service in the 77 Precinct; second

many of the out of town protestors will be staying in the outer burroughs

REDACTED

REDACTED and third there are plenty of targets for them, especially with the US  
Open going on.

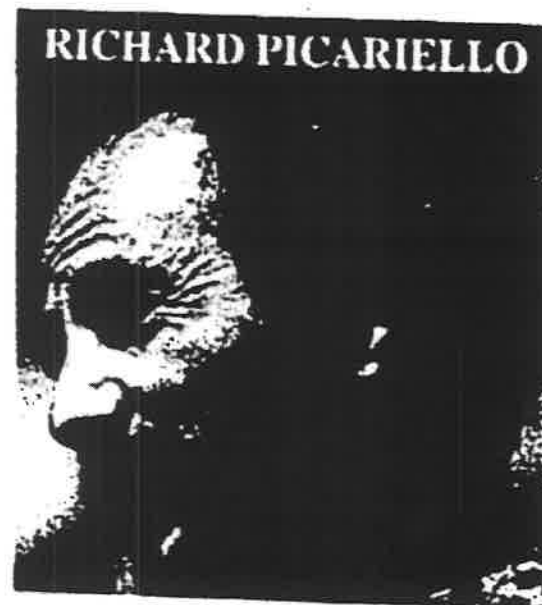
# **EXHIBIT B**



# RICHARD PICARIELLO

REDACTED  
Law Enforcement  
Privilege

- **Description:** Male, white, 55 years old
- **Arrest History:** Numerous
  - Arson of a plane
  - Arson of a Power Plant
  - 2 Bank Robberies
  - Served 20 years for arson





# JAGGI SINGH

- **Organization:** Anarchist Black Cross  
International Solidarity Movement
- **Description:** Male, Indian, 32 years old  
Canadian citizen
  - Principal organizer for numerous protest including:
    - APEC protest
    - OEA Summit
    - OCAP
    - G-20 protest in Montreal
  - Known for planting hoax devices
    - Montreal - 4 times in one day
  - Observed and photographed shooting a handgun at ranges.
- **Arrest History:**
  - Numerous: All protest related







# LISA FITHIAN

- **Organization:** International Solidarity Movement (ISM)
- **Description:** Female, Caucasian, 43 years old
  - Has orchestrated direct action tactics at the following protests:
    - New York City
    - Washington DC
    - Seattle
    - Sacramento
    - Prague
    - Genoa
    - Cancun
- **Arrest History:** Numerous
  - Arrested over 30 times since 1986
    - No NYC arrests





# COMMUNICATIONS

- Text Messaging
  - A feature done via cell phone
  - Lets the activist send/receive messages to comrades.
  - Two-way communication
- Txt.Mob
  - Is a service that lets activist quickly and easily share text messages with friends, comrades, and total strangers.
  - Send and receive messages from various groups
  - Was designed for use by protesters at the DNC



# COMMUNICATIONS

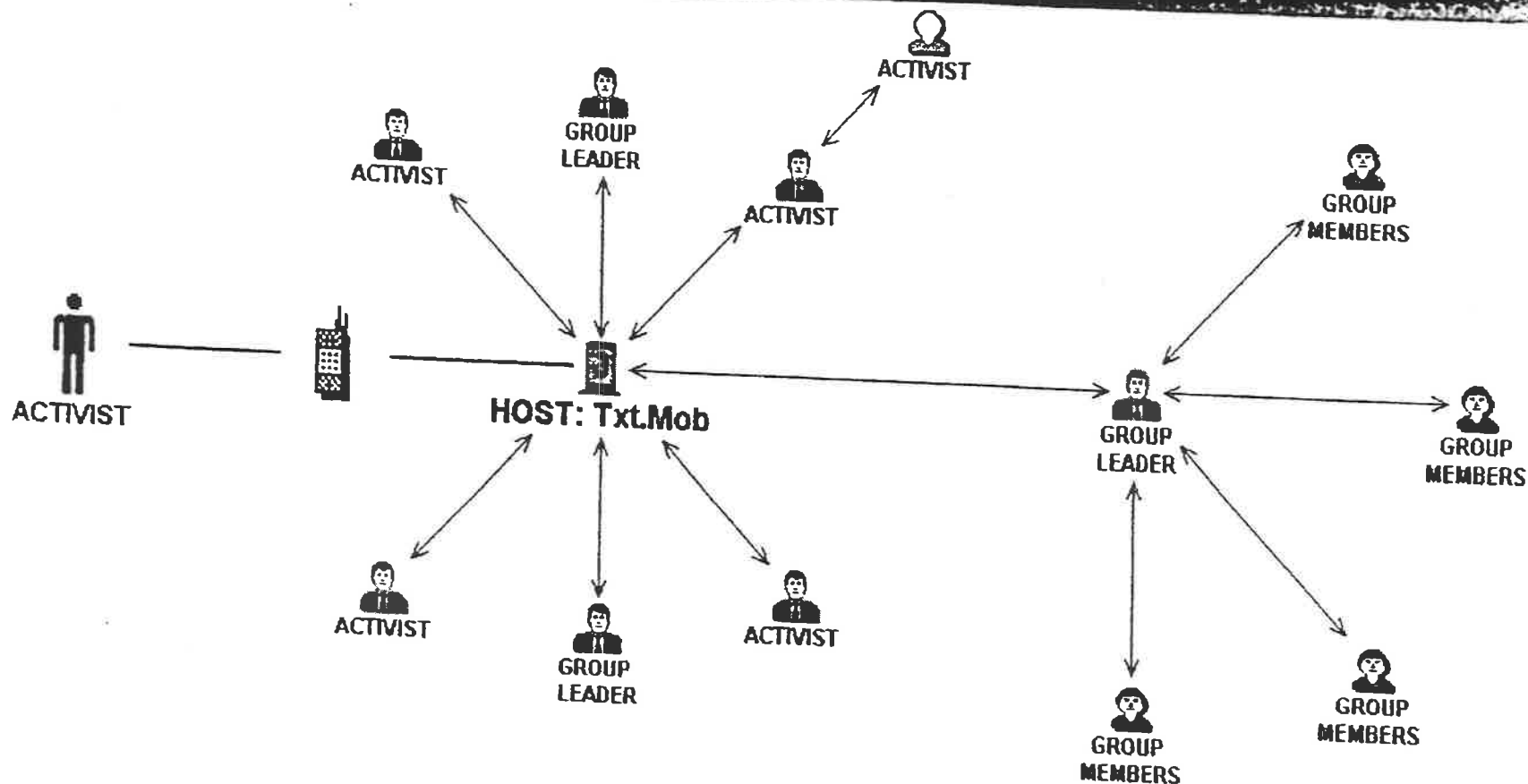
REDACTED  
Law Enforcement Privilege

- This system works much like an electronic b-board: subscribe to various lists, and receive messages directly on their phones
- Will provide activists with up-to-the minute information about police movements and direct actions

continued



# Txt.Mob Example



The message could either go to "Activists" or "Group Leaders".  
The Group Leaders or Activists have the ability to forward it to other members/leaders.



# REPUBLICAN NATIONAL CONVENTION CALENDAR OF EVENTS

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4



**27 AUGUST 2004**  
**FRIDAY**

## **TIMES UP! - Critical Mass (Bicycle Ride)**

Time: 1800 to 2200  
1900 – Ride begins  
Location: Union Square Park to UNK

## **Immigration Workers Coalition**

Time: 1100 to 1900  
Location: UNK

## **Stonewalk USA**

Date: 27 August 2004 to 29 August 2004  
Time: UNK  
Location: Group arrives in evening at Fordham University.



**28 AUGUST 2004  
SATURDAY**

**Free Palestine Alliance / ANSWER Coalition**

Time: UNK  
Location: UNK

**Books Not Bombs!**

Time: 0900 to 1800  
Location: St. Marks Church

**Wet "Anti-Bush" T-shirt Contest**

Time: UNK  
Location: Central Park - Sheep Meadow  
Westside between Park Ave. & 66<sup>th</sup> to 69<sup>th</sup> St.

**National Council of Arab Americans**

Time: 1000 to 1800  
Location: Central Park - Great Lawn



**28 AUGUST 2004  
SATURDAY**

**Planned Parenthood NYC (PPNYC) - March**

Time: 1100 to 1400  
Location: over Brooklyn Bridge to City Hall Park

**TIMES UP! - Downtown Cycling Tour (Bicycle ride)**

Time: 1100 to UNK  
Location: E. Houston btwn. Ave. A & C

**Green Party - reception**

Time: 1200 to 1800  
Location: Washington Square Park

**Reverend Billy and Industrial Workers of the World**

Time: 1400 to UNK  
Location: Starbuck - 36<sup>th</sup> St. & Madison Ave.





**28 AUGUST 2004  
SATURDAY**

**Falun Gong - vigil**

Time: 1400 to 1600  
Location: Park Ave. from 44<sup>th</sup> St. to 59<sup>th</sup> St.

**NY March and Rally for Women's Lives – March**

Time: 1100 to 1600  
Location: Cadman Plaza to Brooklyn Bridge to City Hall Park

**Union Square Middle East Peace Coalition**

Time: 1500 to 1800  
Location: Union Square Park, SE Triangle

**RINGOUT.org**

Time: 1730 to 1930  
Location: Ground Zero



**28 AUGUST 2004  
SATURDAY**

**Christian Defense Coalition – prayer gathering**

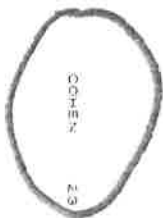
Time: Evening  
Location: MSG (prior to street closure)

**Women Against War - concert**

Time: 1900 to UNK  
Location: Riverside Church – 490 Riverside Drive

**TIMES UP! – Riverside Ride (Bicycle ride)**

Time: Evening  
Location: Columbus Circle through Central Park to Riverside Park







**29 AUGUST 2004  
SUNDAY**

## **Protest Warriors**

Time: UNK  
Location: Blend in with other protest groups

## **Israel Project**

Time: UNK  
Location: Madison Square Park

## **Manhattan Libertarian Party**

Time: UNK  
Location: North on 8<sup>th</sup> from 23<sup>rd</sup> St. to Columbus Circle  
North on CPW to 81<sup>st</sup> Street  
Central Park – Great Lawn

## **Coalition of Police and Fire Unions**

Time: UNK  
Location: Times Square / 46<sup>th</sup> St. & 7<sup>th</sup> Ave. / Rockefeller Plaza  
52<sup>nd</sup> & 7<sup>th</sup> Ave. / Park Ave. & 49-50<sup>th</sup> St. / MSG



**29 AUGUST 2004  
SUNDAY**

**Free Palestine Alliance / ANSWER Coalition**

Time: UNK

Location: UNK

**Code Pink – Women for Peace**

Time: 0800 to 1200

Location: Riverside Park & Riverside Church

**RNC Youth Welcoming Committee**

Time: 0900 to UNK

Location: Columbus Circle



**29 AUGUST 2004**  
**SUNDAY**

### **Viking Bloc - feeder**

Time: 1000 to 1100

Location: Washington Square to United for Peace rally

### **Billionaires for Bush**

Time: 1000 to 1130

Location: Central Park - TBD

### **NYC Labor against the war**

Time: 1000 to 1100

Location: TBA

### **United For Peace and Justice - March**

Time: 1100 to 1900

Location: 7<sup>th</sup> Ave. to MSG  
May attempt Central Park



**29 AUGUST 2004  
SUNDAY**

**Jews for Racial and Economic Justice - feeder**

Time: 1130

Location: 45 East 43<sup>rd</sup> St. to UFPJ

**Billionaires for Bush - feeder**

Time: 1200 to UNK

Location:

**Reverend Billy and the Church of Stop Shopping - feeder**

Time: 1300 to UNK

Location: Central Park – Great Lawn

**Jews for Racial and Economic Justice**

Date: 29 August 2004 to 2 September 2004

Time: 1300 to UNK

Location: Plaza Hotel – 59<sup>th</sup> St. & 5<sup>th</sup> Ave.



**29 AUGUST 2004**  
**SUNDAY**

**Green Dragon - feeder**

Time: 1400 to 1430  
Location: Staten Island Ferry

**Christian Defense Coalition - vigil**

Time: 1400 to 1600  
Location: Church St. – Liberty to Vessey

**Falun Gong - vigil**

Time: 1600 to 2200  
Location: opposite Waldorf Astoria Hotel



**29 AUGUST 2004**  
**SUNDAY**

## **Mouse Bloc**

Time: 1630 to UNK  
Location: Broadway shows

## **Falun Gong - vigil**

Time: 1800 to 2300  
Location: 30<sup>th</sup> St. & 8<sup>th</sup> Ave.

## **Stonewalk USA**

Time: Evening  
Location: Holy Apostles Church – 296 9<sup>th</sup> Ave.



**30 AUGUST 2004  
MONDAY**



## **Light Up the Sky - vigil**

Time: Dusk to Dawn  
Location: NYC

## **Buddhist Meditation**

Time: All day  
Location: TBD (near Convention)

## **NYC Atheists**

Time: 0900 to 1100  
Location: 30<sup>th</sup> St. & 8<sup>th</sup> Ave.

## **Disabled American Veterans**

Time: 1000 to 1400  
Location: 30<sup>th</sup> St. & 8<sup>th</sup> Ave.



**30 AUGUST 2004  
MONDAY**



## **NYC AIDS Housing Network - March**

Time: 1200  
Location: Union Square – 15<sup>th</sup> St.  
West to 8<sup>th</sup> Ave.  
North to 30<sup>th</sup> St.

## **Poor Peoples Economic Campaign – March**

Time: 1300 to 1900  
Location: Dag Hammarskjold Plaza

## **Billionaires for Bush - vigil**

Time: 1300 to 1330  
Location: Union Square Park to UN

## **Rock the Vote - Concert**

Time: 1900 to 2200  
Location: Central Park – East Meadow





**31 AUGUST 2004  
TUESDAY**



**Billionaires for Bush — “flash mob”**

Time: all day  
Location: various

**Youth RNC Welcoming Committee**

Time: TBD  
Location: TBD

**Pagan Cluster — civil disobedience**

Time: 1200 to UNK  
Location: NYS Office of Homeland Security

**NY Metro Area Postal Unions**

Time: 1400 to 1700  
Location: 30<sup>th</sup> St. & 8<sup>th</sup> Ave.



**31 AUGUST 2004  
TUESDAY**



## **A31 Coalition / War Resisters League**

Schedule: 1500 – WTC  
1600 – MSG  
1900 – MSG: Die In

## **Code Pink / Tejas Bloc**

Time: 1600 to UNK  
Location: Fox News – 1211 6<sup>th</sup> Ave.

## **People for the American Way**

Time: 1730 to 1900  
Location: Central Park – Rumsey Field



**31 AUGUST 2004  
TUESDAY**



## **Pagan Cluster**

Time: 1800 to 1900  
Location: NY Public Library – 42<sup>nd</sup> St. & 5<sup>th</sup> Ave.

## **Pagan Cluster**

Time: 1900 to UNK  
Location: Herald Square – 34<sup>th</sup> St. & Broadway



**1 SEPTEMBER 2004  
WEDNESDAY**



## **The "Line" / Billionaires for Bush**

Time: 0800 to 0830  
Location: Broadway from Wall St. to MSG

## **NYC Central Labor Council – Labor Day parade**

Time: 1600 to 1900  
Location: Demonstration – 30<sup>th</sup> St. and 8<sup>th</sup> Ave.

## **Axis of Eve**

Time: 1800 to UNK  
Location: Battery Park City

## **Grassroots Coalition of Media Organizations**

Time: 1800 to 2130  
Location: 52<sup>nd</sup> btwn 6<sup>th</sup> & 7<sup>th</sup> Ave. South to 50<sup>th</sup> St.  
march to 48<sup>th</sup> St. & 6<sup>th</sup> Ave.



**1 SEPTEMBER 2004  
WEDNESDAY**



## **NOW – National Organization for Women**

Time: 1900 to 2100  
Location: Central Park – East Meadow

## **NYC Host Committee - concert**

Time: 1900 to 2200  
Location: Central Park – Rumsey Playfield

## **RINGOUT.org**

Time: 2000 to 0400  
Location: UNK (announced on day of action)



**2 SEPTEMBER 2004  
THURSDAY**



## **Stonewalk USA**

Time: morning (all day)  
Location: Stone moves to Union Square Park

## **Westboro Baptist Church**

Time: 1030 to 1230  
Location: 30<sup>th</sup> St. & 8<sup>th</sup> Ave.

## **Coalition of Artist and Activists – March**

Time: 1100 to 1830  
Location: 135<sup>th</sup> St. South on 8<sup>th</sup> Ave. to 34<sup>th</sup> St.  
Rally at MSG



**2 SEPTEMBER 2004  
THURSDAY**



**One Peoples Project - concert**

Time: 1400 to 1800

Location: Tompkins Square Park

**United For Peace and Justice - March**

Time: 1700 to UNK

Location: West St. from Liberty Ave. to Chambers St.

**IAC / ANSWER Coalition - Rally**

Time: 1800 to 2200

Location: Israeli Consulate  
Philippine Consulate  
Haitian Consulate  
Cuban Mission



## Events Targeted by Groups/Individuals for Direct Action

### Tavern on the Green

29 August:	opening till closing
30 August:	1600 to 1900
30 August:	1730 to 1930
31 August:	1630 to 1830
1 September:	2130 to 0200

sponsored events all day  
California Republican Party  
Pfizer  
W. Virginia Republican Party  
California Republican Party

### Central Park Boathouse

29 August:	6pm to 10pm
29 August:	TBD
30 August:	opening to closing
31 August:	1400 to 1600
31 August:	1600 to 1800

Alabama Republican Party  
Van Scoyoc & Associates  
sponsored events all day  
RGA  
Ohio Republican Party





## Events Targeted by Groups/Individuals for Direct Action

### Madame Tussauds Wax Museum

28 August:	TBD	New Jersey Republican Party
30 August:	TBD	RNC Finance
31 August:	1800 to 2100	Financial Services
2 September:	1700 to 1900	Governor Pataki

### Intrepid-Sea, Air & Space Museum

29 August:	opening till closing	sponsored events all day
30 August:	1630 to 2100	Massachusetts Republican Party
30 August:	TBD (6,000)	Former Mayor Rudy Giuliani
2 September:	2200 to 0200 (1,000)	Rep. Jerry Lewis



## Events Targeted by Groups/Individuals for Direct Action

### Bryant Park

29 August:	TBD
30 August:	1600 to UNK
1 September:	1030 to 1400

Mayor Bloomberg  
Republican Unity Coalition  
Rep. Dennis Hasterat

### Cipriani

30 August:	2200 to 0100
2 September:	TBD

Warrior Foundation  
RNC Finance

### Noche

28 August:	TBD
31 August:	TBD

RNC Finance  
RNC Finance



## Events Targeted by Groups/Individuals for Direct Action

### Marriot Marquis

28 August: all day  
29 August: all day

California Republican Party  
California Republican Party

### New York Stock Exchange

29 August: 1700 to 2200  
30 August: 1200 to 1700

Texas Republican Party  
Texas Republican Party

### Carnegie Hall

29 August: 1800 to 2000

Citigroup

### Del Frisco's

29 August: TBD

Governor Jeb Bush



## Events Targeted by Groups/Individuals for Direct Action

### **Tiffany's**

30 August: 0830 to UNK

Libby Pataki

### **Christies Auction House**

30 August: 1200 to 1400

Novartis Pharmaceuticals

### **Rainbow Room**

30 August: 1800 to 0000  
Economic Opp

American Council

### **21 Club**

31 August: 1200 to 0000

American Gas Association

# **EXHIBIT C**

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The Republican National Convention

The NYPD Intelligence Program

The NYPD Intelligence Division in its current configuration was begun in early 2002 as part of Commissioner Kelly's plan to create a strong program to protect New York City, its citizens and visitors from another terrorist attack. The attacks on the World Trade Center in 1993 and September 11, 2001 brought home the reality of terrorism and the fact that New York City had been, and remains, a terrorist target. This finding has been consistently reinforced to us by those in the U.S. intelligence community responsible for assessing the threat to the homeland.

The on-going and continuous threat to the City is underscored by a long series of events that make clear that New York City, its citizens and visitors warrant an NYPD intelligence capability that helps protect against this persistent threat. The following events give credence to the need for a vibrant intelligence program that uniquely addresses the counter terrorism security equities of New York City. Each of them inextricably link New York City and terrorism in the post- September 11 period.

a. The Media Anthrax Case: October 2001 ---In the space of a week, employees and visitors of the New York Post, NBC, CBS and ABC News in New York City were victim to anthrax attacks. A woman at another Manhattan location died of inhalation anthrax through cross contamination of the mail.

b. The Iyman Faris case: late 2002/early 2003 ---Al Qaeda operative Iyman Faris, on orders from Khalid Sheik Mohammed (mastermind behind September 11, 2001), twice examined the Brooklyn Bridge to evaluate the feasibility of destroying it. Deterred in part the NYPD's high visibility policing, Faris reported that the "weather is too hot," meaning security was too tight to carry out the attack. He is serving 20 years in prison for conspiring against targets including the Brooklyn Bridge

c. The Subway Cyanide Plot: February 2003 ---An arrest of a jihadist in Saudi Arabia revealed computer records of a plot to attack the New York City subway system using hydrogen cyanide in dispersal canisters. Surveillance of the subway stations had previously been undertaken.

d. Iranian Agent Reconnaissance: 2003-2004 ---On three occasions security personnel from Iran's Mission conducted surveillance of New York City landmarks and infrastructure including bridges and the subway system leading into Manhattan. The U.S. Government and the NYPD are concerned that they were building "off the shelf" reconnaissance of New York targets in advance of any future attacks against New York by terrorists supported by Iran, such as Hezbollah. This would replicate Iranian action prior to the 1994 bombing of the Jewish center in Buenos Aires where 85 persons were killed.

1400  
1200  
1100  
e. The Mohammed Babar Case: April 2004 ---An Al Qaeda operative was arrested by NYPD detectives and FBI agents in Queens, New York for his role in a plot to bomb pubs, restaurants, and train stations in London. He had been a member of a radical organization which still exists in the New York City area.

f. The Citigroup/Stock Exchange Case: July 2004 ---A laptop computer of an Al Qaeda operative is recovered containing detailed reconnaissance plans ---a prerequisite for attack--- of the New York Stock Exchange and Citigroup headquarters in mid-town Manhattan. Dhiren Barot, aka Aba Esi al-Hindi was convicted Nov. 7, 2006 in London and sentenced to life in prison for his role in plotting the destruction of London hotels, in addition to New York financial institutions.

g. The Herald Square Case: August 2004 ---Shahawar Matin Siraj and James Elshafay were arrested for plotting to bomb the 34<sup>th</sup> Street and Sixth Avenue Subway station, located just a block away from Madison Square Garden, where the 2004 Republican National Convention was to be held.

h. The Uzair Paracha Case: November 2005 ---Uzair Paracha, a Pakistani-born resident of New York City, was convicted of providing material support to Al Qaeda. Paracha's father, who knew Bin Laden, was part owner in a Manhattan garment district business. It is believed that Paracha's ultimate goal was to use that business's shipping containers to smuggle weapons or explosives into New York City.

i. The Tariq Shah Case: May 2006 ---Tariq Shah, a Bronx resident and martial arts expert, was indicted for providing material support to Al Qaeda. Shah had conspired to provide martial arts and hand-to-hand combat with weapons training to Al Qaeda.

j. The Syed Hashmi Case: June 2006 ---Syed Hashmi, a Queens resident active in the New York City chapter of a radical Islamic group known as al-Mujairoun, was arrested in London where he was engaged in providing material support for Al Qaeda fighters in Afghanistan; another member of the group was deported after being identified as the source of a suicide bomb threat.

k. Path/Ground Zero Case: July 2006 ---Lebanon authorities arrested a principal in a plot to attack the PATH subway linking New Jersey to Lower Manhattan and to blow up the retaining wall at Ground Zero at the former World Trade Center site in an effort to flood lower Manhattan.

With this operational environment in mind, the NYPD leadership has taken steps to assure that New York City's post-September 11, 2001 counter terrorism and security interests were pursued thoughtfully and aggressively. Most important, it has been a well informed program thanks in large measure to its intelligence investigative, information gathering and analysis efforts. Measurements of effectiveness and impact in these regards include the following:

- First, the NYPD intelligence activities were directly responsible for thwarting at least one major terrorist plot ---the Herald Square Subway plot. A Federal judge sentenced the main Herald Square Plot perpetrator to 30 years in prison following his conviction by a jury consisting of New York City citizens.
- Second, the Intelligence Division's ability to collect and analyze timely intelligence has become a vital ingredient in all aspects of the NYPD counter terrorism program ---a program that has been referred to by the Secretary of Homeland Security as a model for the country. The following is a sampling of how such intelligence is employed against the terrorist target.
  - Operation Hercules ---teams of heavily armed NYPD personnel deployed daily to locations identified on the basis of intelligence obtained locally, nationally and internationally.
  - The Critical Response Vehicle [CRV] Surge --- these operations are similarly directed on a daily or twice daily timeline to locations that intelligence collection and analysis determines are of highest terrorist priority.
  - Operation NEXUS ---direct NYPD interaction with individual business persons or organizations whose products or other resources, according to our intelligence collection and analysis findings, would be of value to a potential terrorist attack plan.
  - The NYPD Transit Baggage Inspection Program --- as with Hercules and the CRV surge, this activity is given guidance from our intelligence collection and analysis activities, which help determine where and when container inspection is most needed.
  - In addition to these and other activities, the more than 25,000 counter terrorism NYC Safe Hotline call-ins since 2002 constitute the largest intelligence-led follow-up response activity in the United States or elsewhere.
- Third, the professionalism and capability of the NYPD's intelligence gathering, investigative and analysis program is given testimony by the fact that it has achieved strong standing and a strong voice within all elements of the U.S. national intelligence community. This standing is



an important component of New York City's post-September 11, 2001 security because it helps insure needed access to national level intelligence while simultaneously assuring that New York City's vital counter terrorism interests and equities are given proper priority by the intelligence community at large.

- Fourth, the performance and the performance standards that Commissioner Kelly has established for the intelligence program have given it a global reputation that is recognized not only by law enforcement and security services around the world, but no doubt by terrorist organizations and groups as well.
  - It is this reputation that, for example, underpinned the willingness of Spanish officials to welcome an NYPD presence in Madrid within hours of the March 11, 2004 Madrid train bombing; the NYPD was the only foreign law enforcement agency on-site and the information gathered helped strengthen our own subway security real-time as the Madrid investigation unfolded.
  - Regarding the terrorist enemy, the global reputation of the NYPD, strengthened by its intelligence gathering and analysis program, is known to terrorist groups and contributes significantly to their recognition that New York City is no longer a "soft target" as it was on September 11, 2001.

### **Governance of Intelligence**

While operating to pre-empt acts of terror or other acts of violence against our citizens and visitors, it is the unbending policy of the New York City Police Department that information-gathering by its Intelligence Division conform to the guarantees of the Constitution and requirements imposed by law or NYPD's Patrol Guide, that care be exercised in the conduct of that activity so as to protect Constitutional rights and that matters investigated are confined to those supported by legitimate law enforcement purposes. These core principles have been at the foundation of the NYPD Intelligence program since its post-September 11, 2001 reconfiguration.

With these core principles always in mind, the Intelligence Division is authorized to do the following:

- In order to develop information to detect or prevent acts of terrorism or other unlawful activity, the Intelligence Division conducts online searches and accesses online sites and forums on the same terms and conditions as members of the public generally do.
- If these efforts lead to information that an individual or group has advocated the commission of violence or other unlawful acts, the NYPD has the authority and responsibility to determine whether the individual or group has the apparent ability or intent to carry out the advocated unlawful act.
- The authorized and required tools used to make such determinations include the use of specially trained undercover personnel and/or confidential informants; in these cases only after the approval of an appropriate senior officer of the Intelligence Division.
  - All such approvals must be made at the highest civilian level ---the Deputy Commissioner of Intelligence.

Cognizant of the principles it abides by, the NYPD Intelligence leadership carefully and consistently reviews its program activities and assures that all personnel are specifically trained to understand the legal authority and limitations under which they operate. The training is continuous so that new personnel, including supervisors, are properly informed. A senior legal advisor with significant experience in civil rights matters reports directly to the Deputy Commissioner for Intelligence, oversees the above-noted training and consistently reviews program development and activities to assure compliance with legal requirements and limitations.

### **The Republican National Convention Context**

The central responsibilities of the NYPD prior to and during the Republican National Convention were carried out in a context of intense and well-founded concern regarding:

- First, the possibility of a terrorist attack in New York City at the time of the convention.
- Second, unambiguous threats of violence by anarchists and others with a history of carrying out such threats in previous major city protests.
- Third, a nationwide call for lawful/unlawful civil disobedience with the stated aim of disrupting the Republican National Convention and New York City.

In this environment, NYPD organizational obligations were to fulfill these three essential missions:

- First, to protect the life and property of New York City citizens, guests, and visitors, including the approximately 800,000 persons who came to exercise their legitimate right to protest without breaking the law.
- Second, to assure a public security environment necessary for the continuance of the normal business activity of New York, including that of City government as well as private sector enterprises and their employees who needed to travel to and from work.
- Third, to assure a public security environment that would permit the normal business of the United States Government to be carried out without disruption...in this case the nomination of a presidential candidate.

In meeting these responsibilities it should be noted that in the March 25, 2007 issue of the New York Times the NYPD was said to have engaged in "political surveillance" and used an "RNC squad" to accomplish this. Both statements by the New York Times are at worst a fabrication or at best a distortion of the information gathering process the Intelligence Division used to identify and judge the threat of anarchist violence or acts of civil disruption intended or planned for the RNC.

#### **The Terrorist Threat Environment**

An approximately eighteen month period elapsed between the February 2003 announcement that New York City would host the Republican National Convention and the actual August 29 – September 2, 2004 convention. By any measure, this was the most intense 18 month threat period of the post September 11, 2001 era to date. NYPD Republican National Convention planning was driven in great measure by the knowledge that New York City was and would remain the prime target of international terrorist organizations, U.S.-based homegrown terrorists or some combination of the two.

As the following partial chronology demonstrates, the global and terrorist environment became even more threatening as the start of the convention neared. Because of the terrorist penchant for simultaneous attacks and given the priority they place on New York City as a target, an attack in any major location around the world demands that the NYPD is on immediate heightened alert. The severity of the 2004 environment was such that the U.S. Government summed the threat environment up as "The election year threat."

- May 2003 ---In Casablanca, Morocco, five near-simultaneous bomb attacks occurred killing 33 and wounding 101 persons. Jewish targets were clearly a priority.

- August 2003 ---In Jakarta, Indonesia, a car bomb exploded in the front of the Marriott Hotel during lunchtime rush hour, killing 12 and wounding 149. Concerned about possible simultaneous attacks, NYPD counter terrorism hotel coverage was sharply increased.
- November 15, 2003 ---In Istanbul, Turkey, 2 vehicle bombs exploded at two separate Istanbul synagogues killing 20 and wounding 300. The simultaneous nature of the attacks and the clearly Jewish target reverberated sharply in New York City. NYPD Intelligence personnel were deployed to Turkey and extra protective details were placed at New York City synagogues.
- November 20, 2003 ---In Istanbul, Turkey, a vehicle loaded with explosives exploded in front of the British Consulate, killing 30 people, including the Consul General, and wounding 450 others. On the same day in Istanbul, another vehicle bomb detonated outside an HSBC Bank, killing 11 people and wounding 105; in 2005 the British Consulate building in New York City suffered a grenade attack.
- December 2003 ---Hassan Nasrallah, the Lebanese leader of Hezbollah, again raised a concern that Jewish interests anywhere in the world might be legitimate Hezbollah targets. Because New York City is home to the world's largest Jewish population outside of Israel, this concern struck a loud chord in the NYPD thinking.
- February 2004 ---The Moscow, Russia subway was attacked by a suicide bomber. Coming on the heels of the New York Subway cyanide plot noted earlier, this event reinforced our already deep concern regarding attacks on our transit system.
- March 2004 ---The Madrid, Spain commuter train attack killing 197 persons was interpreted by many as a punishment for Spain's alliance with the United States in Iraq; already a primary terrorist target, hosting the Republican National Convention further underscored the value of New York City as a terrorist target.
- April 2004 ---The initial U.S. Government identification of the period ahead as "the election year threat" period, a phrase coined in part due to the effect of the Madrid bombing the previous month, but also on streams of reporting that strongly suggested planning for attacks in the homeland.
- Late July 2004 ---The capture of the Al-Qaeda operator Issa Al-Hindi together with detailed surveillance assessments of the New York Stock Exchange and the Citigroup Building in New York City, once again

highlighted New York City as a target. At the time there was no information regarding how advanced the planning was. The U.S. Government raised its National Threat Advisory level and the Republican National Convention was less than 30 days away.

- August 2004 ---The Herald Square subway plot is surfaced with the arrests of Shahawar Matin Siraj and James Elshafay. The homegrown terror plot centered on the 34<sup>th</sup> Street subway station at Sixth Avenue in Manhattan ---one city block away from Madison Square Garden, the location of the Republican National Convention itself. As noted earlier, the two perpetrators were tried and convicted in a Federal Court and sentenced to 30 years and 5 years respectively.

### **Major City Protest History**

A second factor influencing NYPD preparation for the Republican National Convention was the record of major city protest activity during the period from 1999 onward. With few exceptions, this history is one of extreme violence, vandalism and unlawfulness that substantially impeded the normal functioning of the host city and undermined the opportunity for lawful protests to proceed. In all instances, it appears that inadequate advance understanding or knowledge of the plans and intentions of those prepared to commit violence, vandalism and unlawful actions undermined the ability of law enforcement personnel to properly contain the disruption.

The NYPD was obligated to not let this major city protest history be repeated in New York City. The following is a summary of recent major city protest history. Among other things, it demonstrates three key lessons ---first, the ability of anarchist elements to actually do what they say they want to do, if allowed; second, that unlawful civil disobedience can result in severe mayhem if not properly responded to by law enforcement personnel; third, the critical importance of having an informed law enforcement leadership in order to assure that it neither under or over reacts to protest events.

- Seattle, Washington -- November 30-December 3, 1999, in an event involving 50,000-100,000 protestors, often referred to as "the Battle of Seattle," extremist elements overwhelmed law enforcement, and were successful in causing the cancellation and delaying of scheduled events by means of chaining themselves together in roadways. In addition activists committed related acts of vandalism, violence, and property destruction including setting fires, overturning police and emergency vehicles, and vandalizing and looting local businesses. This may have occurred because law enforcement either ignored or did not know of the plans and intentions of those willing to protest in violent and illegal ways.

Finding: The ratio of violence and civil disorder to law abiding protestor crowd size was **extremely high**.

- Davos, Switzerland – January 29-February 1, 2000, an estimated 1,300 persons participated in protests against the World Economic Forum. Billboards were set on fire and destroyed, a McDonalds Restaurant was vandalized with graffiti and its signs and windows destroyed. Protestors also removed barriers, ripped down flags, destroyed storefront windows, and vandalized vehicles.

Finding: The ratio of violence and civil disorder to law abiding protestor crowd size was **very high**.

- Quebec City, Canada – April 20-22, 2001, an estimated 20,000 activists protested against the Free Trade Area of the America's summit. The protests turned violent on the opening day when extremists took control of the streets in and around the summit and tore down a 13 foot high fence and cement barrier delaying the event. This group involved persons wearing ski and gas masks who were throwing projectiles and Molotov cocktails; the results included fires, broken store windows and vandalized vehicles. Anarchists arrested prior to the event were in possession of gas masks, bullet proof vests, shields, chains, hammers, helmets and explosives. In summary, law enforcement agencies underestimated the propensity for violence, consequently, police strategies and tactics fell short of what was needed to preempt what became serious civil disorder.

Finding: The ratio of violence and civil disorder to law abiding protestor crowd size was **extremely high**.

- Genoa, Italy – July 18-22, 2001, an estimated 200,000 persons participated in protests against the G8 summit. This summit was quickly overshadowed by riots; one person was killed when he was about to throw a fire extinguisher into a police vehicle surrounded by a crowd of protestors armed with metal poles and wooden boards. In the riots, persons wearing black and red anarchist-style clothing, gas masks, helmets, body armor and carrying large plastic shields vandalized businesses, set fires, tore down fencing, and surrounded and took possession of police vehicles. There were 500 persons injured and an estimated 45 million dollars in property damage. Neither law enforcement nor event managers were prepared for what happened.

Finding: The ratio of violence and civil disorder to law abiding protestor crowd size was **extremely high**.

- San Francisco, California- March 2003, several thousand people participated in an anti-war protest in which protestors shut down more than 40 intersections throughout San Francisco. The protestors unlawfully sat in the intersections blocking traffic either arm and arm or chained together in addition to blocking an entrance to a federal building, keeping employees from entering. Protestors regrouped throughout the day and during the evening rush hour marched through the financial district and attempted to take the Bay Bridge. The city was forced to reroute busses, and shut the historic F-line trolleys. In addition protestors shot bolts from slingshots at police, and vandalized police vehicles. Law enforcement either did not know of the plans and intentions, specifically the willingness of protest elements to commit unlawful civil disorder, or did know of it but were unable to prepare a corresponding deterrence.

Finding: The ratio of violence and civil disorder to law abiding protestor crowd size was **extremely high**.

- Cancun, Mexico – September 2003, several thousand people participated in protests against a World Trade Organization conference. Protestors clashed with police while trying to break through 8 foot high security fences to storm a strip of beach hotels and fast food restaurants. Police were forced to use tear gas against the protestors who were attacking them with sticks, metal bars, and stones. A South Korean farmer climbed a security fence and committed suicide by stabbing himself in the chest.

Finding: The ratio of violence and civil disorder to law abiding protestor crowd size was **very high**.

- Miami, Florida – November 2003, an estimated 20,000 people participated in protests against the Free Trade Area of the Americas meeting. Extremists engaged in violent clashes with the police, set fire to trash cans, used wooden pallets as shields, were in possession of ski and gas masks and were throwing tear gas canisters back at the police. In addition, anarchist groups infiltrated legitimate demonstrations and threw rocks and chemical paint like substances at law enforcement personnel. There were approximately 250 arrests made.

Finding: The ratio of violence and civil disorder to law abiding protestor crowd size was **extremely high**.

- Boston, Massachusetts – July 2004, in preparation for the Democratic National Convention, Boston officials closed major transportation hubs, parts of a major interstate highway and streets in and around the convention site, while also advocating that local businesses in the area of the convention be closed or relocated. Although there was some protest activity, it was minimal.

Finding: With minimal protest crowd size and the city virtually put off limits even to normal business activity, the level of violence and civil disorder was accordingly **minimal**.

### The Republican National Convention Record

Beyond the matter of seeking to forestall a possible terrorist attack, as confirmed by open source information, the NYPD knew the following regarding what was planned or intended regarding the Republican National Convention:

- First, That certain individuals and groups intended to shut down portions of the City with acts of violence if necessary, as they had in previously mentioned city protests ---those were the anarchists.
- Second, Yet another and larger group of people intended to commit acts of unlawful civil disobedience to disrupt the normal business for the City and the Convention process ---while not comfortable committing violence they were prepared to act illegally.
- Third, Embedded in both these groups were individuals with criminal histories and a past demonstrated indifference to the impact of their actions on the third category of people ---the 800,000 protestors who wanted an opportunity to lawfully express their views during the Republican National Convention.
- Fourth, Among the criminal element there was a modus operandi of hiding or altering their identity with an eye toward disrupting the arrest process; in this regard they would be indistinguishable from any terrorist operators who might have been in play during the RNC period.

Any review of open source information during the 18 months leading up to the Republican National Convention would lead to the conclusion that anarchists and others



from across the country wanted to take action to disrupt the RNC and New York City. Initially these plans and intentions were unsynchronized and emanated from a disparate array of individuals, individuals with followers and actual organizations. NYPD information-gathering was focused exclusively on determining who those persons and/or groups were and what they intended to do; NYPD was totally indifferent to their political views. In any event, by July 2004 ---8 weeks before the RNC--- there emerged an as yet unidentified organizing force that had the effect of focusing these disparate plans, proposals and intentions so as to give them direction and force. As an example of the above, a specific date for creating civil disorder was chosen ---referred to "A-31" or "The Day of Chaos"--- Tuesday, August 31, 2004.

### **Republican National Convention Targets**

Beyond this "Day of Chaos," there emerged a pattern of targets that were chosen by anarchists, groups of anarchists and others intending to break the law. These targets which are discussed below were identified in open on-line advisories, open forums available to anyone interested in attending, and in posters, press releases and internet postings.

- **Madison Square Garden (MSG):** For many this was considered "ground zero" since it was hosting the national RNC proceedings. Recognizing that gaining direct access would be difficult the focus quickly shifted to preventing access, although some elements were determined to achieve entrance into the convention proceedings with false identification; some suggested "swarming" from the subway system below Madison Square Garden via Pennsylvania Station.
- **RNC delegate routes to MSG (private and public transportation):** Early anti-RNC thinking focused on the goal of preventing delegate access to Madison Square Garden became a high priority. This included interfering with planned bus travel to and from Madison Square Garden by delegates. At one point, one bus filled with delegates was diverted due to illegal "swarming" of the bus. Other actions talked about included actual disruptions of the buses themselves by blinding bus driver windows, using vehicles (rented cabs/bikes) to clog the routes.
- **Hotels hosting RNC events and persons (delegations in parentheses):** NYPD coverage at these hotels prevented the kind of "hotel rushing" tactics talked about, although in several cases entrance was achieved by persons seeking to disrupt normal hotel business.
  - Algonquin Hotel (District of Columbia)
  - Barclay Hotel (New Hampshire)
  - Crown Plaza Hotel (New Jersey)
  - Drake Hotel (Massachusetts)
  - Embassy Suites (American Samoa and Indiana)

- Helmsley Park Lane (Louisiana, South Carolina, and Vermont)
  - Hilton New York (Florida, Michigan, Pennsylvania and Texas)
  - Hilton Times Square (Mississippi and Vermont)
  - Marriott East Side Hotel (Colorado and Minnesota)
  - Marriott Financial Center (Guam, Hawaii, Nebraska and North Dakota)
  - Millennium Broadway (Washington, West Virginia and Wisconsin)
  - Millennium Hilton (Delaware, Puerto Rico, Rhode Island and Utah)
  - New York Marriott Marquis (California, Ohio and Tennessee)
  - Park Central Hotel (Idaho, Kansas and Maryland)
  - Renaissance Hotel (Montana)
  - Rihga Royal Hotel (Nevada)
  - Ritz-Carlton Hotel (Georgia)
  - Roosevelt Hotel (Arizona, New Mexico, Oklahoma and Oregon)
  - Sheraton Manhattan Hotel (Alaska, Iowa, South Dakota and the Virgin Islands)
  - Sheraton New York Hotel (Alabama, New York, Connecticut and Wyoming)
  - Warwick Hotel (North Carolina)
  - West New York Hotel (Arkansas and Maine)
  - Westin Hotel (Kentucky and Missouri)
- Broadway theaters: Activists were solicited to disrupt performances attended by RNC delegates. Lists of which delegates would be attending which performances at which theaters were circulated along with theater maps. This activity was especially planned for August 31, 2004 and referred to beginning in July 2004 as "Chaos on Broadway."
  - Wall Street/Financial District: Targeted for multiple "direct actions" including massive traffic disruptions in order to "lock down" the area. Discussions of this target area began in the spring of 2004; the goal was to prevent the normal functioning of the New York City financial community.
  - RNC event locations (with target groups in parentheses):
    - BB Kings (Texas Delegation)
    - Carmines (Keep Our Mission PAC / Speaker Dennis Hastert)

- Central Park Boathouse (National Republican Senatorial Committee)
  - Crobar (American Gas Association)
  - GOP golf outing
  - Gotham Hall (Generation of Leaders)
  - Madame Tussaud (New York Delegation)
  - Noche (Ohio Delegation)
  - Planet Hollywood (Republican Governor Association)
  - Rainbow Room (members of the entertainment industry)
  - Ruby Foo's (Kentucky Delegation)
  - Sotheby's (Regents and Rangers lunch)
  - Tavern on the Green (Swift Boat Veterans for Truth)
  - Tunnel (Union Pacific)
  - Water Club (Novartis)
- Businesses and Organizations: The following businesses were identified in various fora as enterprises that should be subject to disruption because of their involvement in activities opposed to by individuals or groups. The nature of the disruption was uncertain although in previous protest activities outside New York City they involved efforts ranging from blocking entrances to window breaking and fire setting.
    - McDonalds
    - Starbucks
    - Carlyle Group
    - Chevron
    - Rand Corporation
    - Hummer of Manhattan.
- Police: Activists distributed information concerning police tactics and the whereabouts of police precincts and headquarters and advocated: (1) studying police behavior prior to the RNC to become familiar with their tactics in handling protest activity; (2) obstructing police from entering crowds and attempting to prevent arrests; (3) "rushing" the police at Madison Square Garden; (4) identifying and publishing the identities of undercover officers on the internet; (5) "marking" police with paintball bullets to make them easier for protestors to spot; and (6) videotaping arrests to collect evidence of any alleged mistreatment of protestors. One report was received of an out-of-state individual saying he wanted to "get a New York City pig", by which was clearly meant an NYPD officer.

#### Republican National Convention Tactics

During the lead-up to the RNC, anarchist groups, groups advocating illegal and violent civil disobedience, and other activists engaged in extensive discussions over the internet and in other open forums of tactics that could be used to protest the RNC. Many of these tactics had been used to undermine public safety and order at meetings of the WTO, G-8 and FTAA respectively in Seattle, Genoa, and Miami, while others were introduced specifically to target the critical infrastructure of New York City. These tactics included, but were not limited to, the following:

- **Black Bloc**—Groups of protestors typically wearing black and with black face paint armed with homemade weapons capable of launching projectiles dangerous to persons and property. Black Bloc tactics were relied upon heavily by protestors during the "Battle of Seattle."
- **Shield Walls**—Marchers armed with shields moving with arms linked to create a defensive wall and penetrate a perimeter line.
- **Human Chains and Improvised Barricades**—Groups of protestors interlocking legs, arms and bodies to obstruct traffic or form barricades to force back or break through police defensive lines.
- **Critical Mass**—The obstruction of public thoroughfares and transportation systems by groups of protestors traveling in packs on bicycles or on foot, often erecting improvised barricades to fend off police.
- **Swarming**—Rapid convergence of a large group of people onto a single location.
- **Die-ins**—Groups of activists laying motionless on the ground and refusing to disperse, often in the middle of an intersection, to obstruct traffic.
- **Step off the Pavement**—Pedestrian interference with automobile traffic to achieve traffic jams across the City. Its effects were likened to those of the August 2003 blackout.
- **False/Stolen IDs**—Utilizing false or stolen press credentials, business cards, and government badges in order to circumvent security and gain access to off-limit areas of the RNC.
- **Securing hotel rooms** inside hotels used by delegates and reporting electronic keys lost in order to obtain additional keys and bypass security.

- Auto Brigade—Using private automobiles to block the roadways at specific locations, directing multiple cabs simultaneously to the same destination to disrupt traffic and clog vehicular arteries.
- Marking Law Enforcement —Photographing suspected law enforcement officers and uploading them to the Internet prior to protest activities; shooting officers with paint bullets, then disseminating their location and identity.
- Thinning Out —Overwhelming police units by holding simultaneous protests at multiple far-flung locations.
- False 911 Calls/Bomb Threats/Fire Alarms—Aimed at draining law enforcement resources, disrupting events and overwhelming communication systems by telephoning false reports of major incidents in areas of NYC distant from the zones of planned Direct Actions.
- Electronic Civil Disobedience—Flooding telephones, email inboxes, or fax machines in order to cause system failure, defacing websites and spreading computer viruses, disrupting law enforcement communications with cell phone transmission jammers.
- Electricity Disruption—Created by launching Mylar helium balloons filled with metal shavings toward electrical power lines.
- Extinguishing the engines on chartered shuttle buses by flipping kill switches near the rear engine compartment located behind an unlocked panel.
- Phantom Volunteering—Activists posing as RNC volunteers and attending training/orientation sessions for the purposes of gaining access to information.

#### **Republican National Convention Weapons**

The following list, compiled from discussions on web-forums and blogs as well as in various open-source publications, includes weapons whose use at the RNC was advocated by anarchists or other activist groups, promoted during RNC protest training sessions, and/or field-tested during violent protests in other cities.

- Ammonium nitrate bombs strapped with nails
- Molotov cocktails
- Smoke bombs

- "Firebombs" of Molotov cocktails or chains wrapped in kerosene-soaked rags launched with projectiles
- Toxic and Flammable Liquids—Including ammonia, bleach, battery acid, hydrofluoric acid, gasoline, paint, and magnesium dispensed with the use of super-soakers, spray and squirt bottles, canteens, hollowed eggs and balloons.
- Human body fluids—Including blood, urine and feces.
- Projectile Launches—Including rocks, paving stones, bottles, batteries, ball bearings, nuts and bolts, billiard and golf balls, hockey pucks, nail-filled potatoes, live CS canisters, frozen water balloons, all of which could be catapulted with wrist rockets, slingshots, large rubber bands, paint ball guns, or lacrosse sticks
- Grappling hooks, sledgehammers and crowbars, employed to bring down security fences
- Sleeping Dragons—Devices in which multiple activists lock hands mechanically so that they can form inseparable human chains
- Tiki Torch—A soup can attached to the end of a stick held in an upward position and filled with a flammable substance, which is then ignited and launched as a projectile
- Super-Soakers— Water guns filled with flammable liquids, chemical irritants, homemade pepper spray, urine, or paint
- Oil, marbles, and ball bearings spread on roadways and used to cause responding foot, motorcycle, and Mounted Units to lose footing and fall
- Rolling Barrels—Filling drums with water or cement then rolling them into police lines to slow response time
- Mobile Infrared Transmitters—Portable traffic signal changing devices that can change traffic signals within two to three seconds, with a range of 15—1800 feet
- Bureau of Inverse Technology (BIT) Radio—Enables user to take over and control a commercial FM radio broadcast for a brief (1-10 second) interval during which the operator may broadcast any message

#### Republican National Convention Training

During the months and days prior to the RNC, anarchists and activists convened a number of protestor training sessions in and outside of New York City, some of which were led by well-known and experienced activists. At these training sessions, violent and other illegal tactics were advocated and taught, as well as techniques for evading or countering law enforcement intervention. These training sessions contributed meaningfully to the threat posed to New York City.

- New York City Anarchist Tribes— January 11, 2004 martial arts training for activists at the World Martial Arts Center, 427 Broadway, New York, NY.
- Syracuse Peace Council (SPC)—April 2004 week-long Direct Action training weekend in Ithaca, NY, promoted as the path to "build[ing] our own radical activist infrastructure."
- Times-Up Strategic Retreat— July 23-25, 2004, weekend training in "anti-oppression," cyber activism, bicycle techniques, street tactics, and protest communications at a 300 acre farm in Rosendale, NY.
- A-31 Action Coalition training session for a "Day of Direct Action"— July 20, 2004.
- Ruckus Society and the Center for Anti-Violence Education (CAVE) – July 31 – August 1, 2004, August 5-6, 2004, Direct Action training session focusing on self-defense and civil disobedience tactics in Park Slope and Manhattan.
- Burdock 2004 — August 10-17, 2004, activist training camp focusing on Direct Action training and strategies in Starks, Maine.
- Pagan Cluster/RANT Collective Training— August 31, 2004 Direct Action training session at St. Mark's Church in Manhattan, hosted by prominent activists.

#### **Republican National Convention Open Source Threat Review**

As noted above, the information covers a wide range of threat-related activity including targets, tactics, weapons and training. What follows are excerpts from and descriptions of the various websites, chat-rooms, and other forums in which the planning for various violent or illegal civil disobedience activity was undertaken. Also included is a selection of notable threat-related incidents that highlight the complex and dynamic operational environment in which the planning for the RNC and the convention itself took place.

- Excerpts from the Anarchist Checklist for Action:
  - "Employ means to estimate and counter police activities. Don't carry your identification or address book. Have a plan to go to the hospital (fake name and SS# are needed)."
  - "If police enter the crowd, obstruct their path, prevent arrests, making it seem accidental. If you find your group surrounded by police, decide where their line is thin and then, in a tight formation (link arms), charge that point in an attempt to divide the police line."
  - "Stay aware of those around you. Undercover agents may be easy to identify (pairs of big men with two day beards, nice watches and communication equipment)."
  - "As the Black Bloc action unfolds be aware that escape is the conclusion of a successful action. Don't get caught. Use the confusion of the crowd to your advantage. Once you're out of your Black Bloc clothing, the subway or a taxi can easily be your vehicle to freedom in order to fight for another day."
  - "The ideas you come up with may be used for the next blow we strike against capitalism. 'Make the next blow a killing one.'"
- C.R.E.S.T. "Constitutional Rights Enforcement and Support Team" internet-based group stated:
  - "The C.R.E.S.T. will rise up against police brutality and give the police or the National Guard a taste of their own medicine if they tread on the civilian population, and they will be given the same measure that they dish out."
  - "Many people who join this group will die, be wounded or jailed."
  - "Some of you may be forced to shoot some constitutional rights usurpers who were 'just doing their job' and some of them will have families."
  - "The team will be on stand-by at every protest and will defend protestors against police brutality whether or not they are C.R.E.S.T. members."



- Ashira Affinity, a Colorado-based anarchist group, issued on its website a call to its supporters to join in protest at the RNC, stating:
  - "In our actions we must be strategic, ruthless, efficient, as well as chaotic. Like a string of tornadoes and quakes, we will manifest brutal attacks against key targets physically deconstructing the aesthetic of our oppression. We will erect barricades of fire and reclaim space as carnival. Our rage as well as joy will be present on every street corner."
- Excerpts from an online "Action tip" list for activists:
  - "Pick one (hotel) office or one (hotel) phone number and stick to it."
  - "Use a payphone especially for the 1-800 calls as they have to pay for it."
  - "If you can afford to buy a phone card go after the lesser called local #s."
  - "Let the perverts call the perverts [sic] advertise these numbers everywhere [sic] sex hotlines."
- "Syracuse Peace Council (SPC)" promoted an intensive Direct Action training weekend in Ithaca NY online, stating that:
  - "Even those not engaging in non-violent acts of civil disobedience should have trained accordingly to know how to respond to unpredictable events."
- "Surveillance Camera Players" (SCP), an anarchist group founded in 1996, operated a website ([www.notbored.com](http://www.notbored.com)) with a map detailing the locations of all identified surveillance equipment in the general vicinity of the RNC, including:
  - Private surveillance cameras: 217
  - Government surveillance cameras: 12
  - New York City or NYPD cameras: 5
  - Traffic surveillance cameras: 3
  - Elevated surveillance cameras: 2
  - Total number of cameras: 239
  - In one such tour, it was suggested by a group member that the wires necessary to operate a particular surveillance device were easily accessible and therefore vulnerable.

- Website containing a database of "Rangers and Pioneers" listed the names, occupations, employers, industry and sector of donors who have given \$100,000 or more to President Bush's re-election campaign.
- "Direct Action Handbook" web page posted links to various activism-related topics, including organizing structures, information regarding the visiting delegates, including their temporary residences, hotels, and a list of "pro-war" companies, and methods to counter disorder control personnel, including:
  - Conducting surveillance of the target area
  - Wearing masks to conceal identity
  - Carrying banners/signs/placards constructed of plastic material for use as shields against "beanbags," "rubber pellets" or "baton charges"
  - Continual motion to evade interception by law enforcement
  - Counter-advancing police lines to open escape routes
  - "De-arresting" persons taken into custody by disorder control personnel by "immediately breaking the arrestee away from the police, and utilizing a block tactic (interlocking arms)" to prevent a re-arrest.
  - Utilization of "bicycle scouts" to perform advance reconnaissance of disorder control positions.
- Online "First Aid" manuals prepared readers to treat activists exposed to tear gas and pepper spray and injured by physical confrontation with disorder control personnel, suggesting that they bring/wear bandanas soaked with apple cider or vinegar, gas masks, shatter resistant eye protection, and multiple layers of clothing to help protect them.
- A group of self-described "Hacktivists" announced over the internet plans to launch an electronic "civil disobedience campaign" one week prior to the convention that would target the Republican Party, conservative think tanks, and corporate news vehicles with tactics including the diffusion of Internet viruses.
- "High Times" magazine published an "Activist Guide to the Republican National Convention" containing the following topics:
  - "How to Raise a Ruckus" (focusing on training by the Ruckus Society)

- "How to Shoot a Video at a Protest"
  - "How to Take Over the Airwaves"
  - "How to Bike the RNC" suggesting riding in packs of 50 with continual motion, blocking traffic in intersections
- San Francisco Video Activist Network video of March 20, 2003 protest of the war in Iraq was posted online, displaying tactics including:
  - Bolts and screws thrown at police
  - Activists locked together with a "Sleeping Dragon"
  - Intersections shut down during rush hour
  - Mainstream media representatives assaulted
  - Spray painting of reporters' camera lenses
  - Black bloc anarchy tactics
  - Igniting hay placed in the roadway
  - Using dumpsters to form barricades
  - Shutting down highways with activists on bikes
- Postings from activist Ted Rall's website:
  - "Next year in New York is already the rallying cry of more than one hundred and fifty groups planning to protest Bush's coronation."
  - "It will be Chicago 1968."
  - "Things are going to burn; people are going to die."
- "Secondary Protest Targeting," an anonymous Internet posting urged anarchists not to limit protests to the actual RNC delegation itself but to extend protest targeting to include any industry servicing delegates, including restaurants and Broadway theater companies:
  - "You can harass the RNC convention planners, financial backers, volunteers, sponsors, restaurants feeding them and hotels housing them. The RNC is happening because local business elites have greased the wheels to get them here."
- "Crimethinc Black Hat Hacker's Bloc" organized an "electronic sit-in" of the RNC.

- Postings about "Chaos on Broadway," on August 29, 2004, urged participation in "swarming" Times Square and the Theater District to interfere with delegates attending Broadway shows.
- "Peoples' Guide to the Republican National Convention" included a street map of Manhattan, and more than 600 points of reference such as:
  - RNC venue and delegate hotel locations
  - Scheduled RNC protest locations
  - RNC corporate sponsors
  - Military and government offices
  - War profiteers
  - Police Precinct addresses (including One Police Plaza)
- Anonymous activist posted a claim that he successfully infiltrated the RNC volunteer workforce, calling him/herself a "shadow volunteer," who has been "involved in (protest) actions since 1993" and has "been arrested once for vandalism" while mocking the RNC "extensive background checks."
- NYC Indymedia promoted "2004 RNC Protestors Map" providing details about locations including:
  - Bloomberg's private residence
  - Scheduled anti-RNC protest activity
  - RNC delegate hotels
  - Broadway theaters that will be attended by the RNC delegation
  - Police Precincts
  - Activist friendly locations
- United for Peace and Justice circulated "A29 UFPJ Peace March," a schedule of Direct Action training sessions on the web, focusing on "Effective Action and Safety During the RNC, Protest Drumming Workshop, and I-Witness Mini Video Witness Training." The group stated of the decision to disallow mass protesting in Central Park:
  - "As their barricades and officers face south, in an attempt to hold back the masses, we will arrive from the north to reclaim our streets, and open the way towards Central Park."
- Internet chat room posted a threat stating "I will fly a 767 into the convention and take care of the American problem on Thursday,"

authored by a subject who had been posting anti-American government messages for about a month.

- [www.counterconvention.org](http://www.counterconvention.org) posted a listing for a "Protest Party" on Thursday, September 2, 2004, encouraging protestors to "Give them the New York they are afraid of!"
- An unnamed group claiming to represent commercial drivers and disgruntled motorists posted an internet announcement calling for protestors to "flood the streets" with commercial vehicles in order to disrupt traffic.
- Members of the 20th precinct arrest an individual in possession of terrorism-related literature, fictitious identification and various written, audio, video and photographic materials naming specific political and logistical targets for terrorist attacks and specifically referring to Times Square as "the next Ground Zero."
  - Among the titles in the individual's possession were:
    - The Terrorist's Handbook
    - Kitchen Improvised Plastic Explosives
    - Setting Fires with Electrical Timers: An Earth Liberation Guide
- Three Black bloc anarchists were arrested in Queens and found in possession of three imitation handguns and a video containing footage of subjects practicing handcuffed, handcuff keys, a butterfly knife, pellets, and a map of New York City. They were arrested for criminal possession of a weapon in the 4<sup>th</sup> degree.
- An individual was arrested on August 20, 2004 for criminal trespass and possession of burglary tools in the Mandarin Oriental Hotel. The subject had been arrested more than 25 times in California for various offenses including burglary, robbery, escape, possession of marijuana, and disorderly conduct.
- A prominent anarchist leader of the group "Crimethinc convergence" was arrested in August 2004 in Des Moines Iowa during a "convergence" event and charged with vandalism. Other members of the group traveled to NYC to conduct direct action protests prior to the start of the RNC, planning to deliberately provoke police in order to create a confrontation.

## Conclusion

The New York City Police Department, in assuring public safety and security during the RNC, faced a three part co-mingled threat - terrorism, anarchist violence and unlawful civil disobedience. The co-mingled nature of these threats drove NYPD RNC strategy and tactics in three central ways.

- First, information gathering. It was essential to learn what was possible to learn about each element of the threat so that informed decisions could be made, decisions needed to prevent the bad outcomes other cities hosting large scale events/protests had experienced --- civil disorder or law enforcement overreaction.
- Second, arrest strategy. Because of the co-mingling of the threat it was essential that those who were actually involved in breaking the law be arrested rather than simply given summonses, allowed to move on and permitted to break the law again. The approach we took was necessary to prevent a perpetuation of violence by allowing the violence producers to produce more violence while simultaneously giving them the power to diffuse law enforcement capabilities by continually chasing them around.
- Third, arrest processing. Priority was and needed to focus on identifying who was in custody especially in light of the terrorism threat.
  - For example, on August 29, 2004, three members of a New York City based Islamic extremist organization whose ideological leader was recently deported from the United Kingdom were taken into custody at the front lobby of one of the major hotels hosting RNC delegations.
  - Given the emphasis terrorism operatives, anarchists, and direct action specialists placed on withholding their true identity fingerprinting was necessary to know, to the extent possible, definitively who was in custody. This was information critical to assuring public safety and security.

Because the NYPD was well informed, the strategy and tactics designed for the RNC were well balanced and achieved the objective of maintaining civil order, allowing 800,000 protestors to express their view while avoiding any overreaction. Indeed, by any measure police action was one of careful balance. Indeed, measured by the arrest to overall crowd size ratio the RNC NYPD record was remarkable. In total some 1,800 arrests occurred during the RNC; had the Miami arrest-crowd ratio been repeated in New York the number would have been 10,000 arrests; using the Seattle ratio, the number would have been 4,800 arrests; Quebec the number would have been 16,000; San Francisco --- over 100,000.

The demonstrators played out as expected. United for Peace and Justice attracted 800,000 to its march and rally for what the Times described as the largest protest in the

history of American political conventions. As we anticipated, the vast majority of protestors were peaceful and law-abiding. In the days that followed the main protest, the Police Department stopped smaller groups who tried to prevent the delegates from leaving their hotels, who tried to stop delegate buses from reaching MSG, and who tried to shut down Wall Street during the convention.

The only serious injury throughout the RNC was sustained by a police officer who was pulled from his scooter and kicked unconscious by a demonstrator. Despite provocations, such as the assault on the scooter cop and by demonstrators throwing faux feces in the faces of police officers, the NYPD showed professionalism and restraint. The Times provided a good assessment on September 2004 of police coverage of the RNC: "It appears the New York Police Department may have successfully redefined the post-Seattle era, by showing that protest tactics designed to create chaos and attract the world's attention can be effectively countered with intense planning and a well-disciplined use of force."

Regarding information gathering, it was not political surveillance. As noted earlier, the NYPD is and was indifferent to the political views of any attendees at any activity---protest or otherwise---in New York City. It does, however, have a responsibility to prevent civil disorder---which was talked about openly in the anti-RNC open forums including online presentations. NYPD would be negligent in its duties and responsibilities to ignore such warnings. Thus the Intelligence Division's information gathering addressed what those openly talking of anarchist actions and unlawful civil disobedience actually intended to do --- not their political opinions.